

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MICHAEL A. CLARK, )  
                        )  
Petitioner,         )  
                        )  
v.                    ) No. 4:04CV1364 HEA  
                        )  
DON ROPER,         )  
                        )  
Respondent.         )

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on Magistrate Judge Frederick R. Buckles Report and Recommendation, [#40], that Petitioner's Michael A. Clark's Motion for Judgment by Default and on the Pleadings [#38] be denied.

The Court referred this matter to Judge Buckles for a report and recommendation on all pretrial matters pursuant to 28 U.S.C. § 636(b). On October 31, 2005, Judge Buckles filed his Order and Recommendation that Petitioner's motion be denied, and to date, no objections to the recommendation have been filed by either party. Therefore, the Court adopts Judge Buckles's well reasoned Report and Recommendation in its entirety.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner's Motion for Judgment by Default and on the Pleadings [#38] is denied.

Dated this 23rd day of November, 2005.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE